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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,385	06/29/2001	Joubert Berger	10013499-1	9535

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EXAMINER	
TANG, KENNETH	

ART UNIT	PAPER NUMBER
2195	

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/896,385	BERGER ET AL.	
	Examiner	Art Unit	
	Kenneth Tang	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the Appeal Brief filed on 12/21/05. Prosecution has been reopened. Applicant's arguments have been fully considered but they are moot in view of the new grounds of rejections.

2. Claims 1 and 3-29 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10, 12, 13, 16-17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Murray et al. (hereinafter Murray) (US 6,330,653 B1).

4. As to claim 10, Murray teaches a system comprising:

an operating system (DOS or Windows) stored to computer-readable medium (Storage Medium 106), said operating system implementing at least one compartment (partition) to which at least one process executable on said system can be associated (col. 37, lines 58-60, col. 41, lines 48-56, etc.);

at least one configuration file stored to computer-readable medium (Storage Medium 106), said at least one configuration file defining said at least one compartment (col. 27, lines 1-22); and

means for performing management of said at least one compartment without requiring that a user edit said at least one configuration file in which said at least one compartment is defined (col. 4, lines 15-29, col. 37, lines 58-60, col. 41, lines 48-56, etc.).

5. As to claim 12, Murray teaches wherein said performing management of said at least one compartment comprises manipulating said at least one compartment (col. 4, lines 15-29, col. 37, lines 58-60, col. 41, lines 48-56, etc.).

6. As to claim 13, Murray teaches adding a new compartment, renaming an existing compartment, removing an existing compartment, resizing an existing compartment, adding a process to a compartment, and removing a process from a compartment (col. 4, lines 11-30 and 51-58, col. 33, line 47).

7. As to claim 16, Murray teaches at least one configuration file including at least one rule defining containment of said at least one compartment (col. 27, lines 1-22).

8. As to claim 17, Murray teaches wherein said performing management of said at least one compartment comprises manipulating said at least one rule (col. 27, lines 1-22).

9. As to claim 19, it is rejected for the same reasons as stated in the rejection of claim 10. In addition, Murray teaches a DOS operating system command-line utility for the management/manipulation (col. 37, lines 58-60, col. 41, lines 48-56, etc.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. **Claims 1, 3-9, and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. (hereinafter Murray) (US 6,330,653 B1) in view of Rafizadeh (US 6,401,183 B1).**

11. As to claim 1, Murray teaches a method of administering a processor-based system, said method comprising the steps of:

implementing at least one compartment for containment (partition) at least one process executable on said processor-based system;

providing, by said processor-based system, at least one operating system command-line utility (DOS command prompt) executable to manipulate said at least one compartment (col. 37, lines 58-60, col. 41, lines 48-56, etc.).

Murray is silent wherein said at least one compartment defines whether said at least one process contained therein is allowed access to particular system resources. However, Rafizadeh teaches a partitioned system that can be accessed based on password-protection (col. 6, lines 41-52). An unauthorized user is denied access to the partition. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feature of a privileged partition system to the existing partition system of Murray because this would allow for protection and security (col. 6, lines 41-52).

12. As to claim 3, Murray is silent wherein said at least one process is labeled to identify the compartment in which it is contained. However, one of ordinary skill in the art would know to label the process to identify what compartment/partition it belongs to because it improves organization of the processes.

13. As to claim 4, Murray teaches adding a new compartment, removing an existing compartment, resizing an existing compartment, adding a process to a compartment, and removing a process from a compartment (col. 4, lines 11-30 and 51-58, etc.). Murray teaches partitions being renamed (col. 33, line 47).

14. As to claim 5, Murray teaches defining said at least one compartment in at least one configuration file (col. 27, lines 1-22).

15. As to claim 6, Murray teaches wherein said at least one command-line utility is executable to manipulate compartments without requiring a user to edit said at least one configuration file (see Abstract, etc.).

16. As to claim 7, Murray teaches wherein said implementing step comprises providing at least one rule that defines containment of said at least one compartment in at least one configuration file (col. 27, lines 1-22).

17. As to claim 8, it is rejected for the same reasons as stated in the rejections of claims 1 and 7.

18. As to claim 9, Murray teaches having a global Rules class with respects to the partitions and adds new rules through creating a limits object 412. However, Murray is silent in removing (with authority) an existing rule from the list. However, one of ordinary skill in the art would know to remove an existing rule after it is no longer needed in order to be more efficient.

19. As to claim 20, Murray teaches a computer-readable medium including instructions executable by a processor, said computer-readable medium (Storage Medium 106) comprising:

library of software functions for managing at least one compartment implemented by an operating system (col. 37, lines 58-60, col. 41, lines 48-56, col. 26, lines 58-67, etc.); and

said library of software functions includes at least one command-line utility (DOS command prompt) executable to manipulate said at least one compartment (col. 37, lines 58-60, col. 41, lines 48-56, col. 26, liens 58-67, etc.).

20. Murray is silent wherein at least one process is associated with said at least one compartment and said at least one compartment defines accessibility of resources for said at least one process associated therewith. However, Rafizadeh teaches a partitioned system that can be accessed based on password-protection (col. 6, lines 41-52). An unauthorized user is denied access to the partition. The compartment becomes accessible when the password is correct. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feature of a privileged partition system to the existing partition system of Murray because this would allow for protection and security (col. 6, lines 41-52).

21. As to claim 21, Murray teaches adding a new compartment, renaming an existing compartment, removing an existing compartment, resizing an existing compartment, adding a process to a compartment, and removing a process from a compartment (col. 4, lines 11-30 and 51-58, col. 33, line 47).

22. As to claim 22, Murray teaches defining said at least one compartment in at least one configuration file (col. 27, lines 1-22)

23. As to claim 23, Murray teaches wherein said at least one command-line utility is executable to manipulate compartments without requiring a user to edit said at least one configuration file (see Abstract, etc.).

24. As to claim 24, it is rejected for the same reasons as stated in the rejection of claim 20. In addition, Murray teaches implementing and manipulating at least one rule (col. 27, lines 1-22).

25. As to claim 25, Murray is silent in teaching wherein said implementing a least one compartment comprises utilizing a kernel for enforcing said at least one compartment. However, it would be obvious to one of ordinary skill in the art to have a kernel because this would provide control to the compartments.

26. As to claim 26-27, they are rejected for the same reasons as stated in the rejections of claims 10 and 12.

27. As to claim 28, Murray teaches adding a new compartment, renaming an existing compartment, removing an existing compartment, resizing an existing compartment, adding a process to a compartment, and removing a process from a compartment (col. 4, lines 11-30 and 51-58, col. 33, line 47).

28. **Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. (hereinafter Murray) (US 6,330,653 B1).in view of Fletcher et al. (hereinafter Fletcher) (US 6,009,274).**

29. As to claim 11, Murray fails to explicitly teach wherein said means for performing management of said at least one compartment further enables management actions initiated via said means for performing management to be performed dynamically, without requiring that the system be re-booted in order for said management actions to be effective within said system. However, Fletcher teaches an agent that manages components (compartments) dynamically, without having to actually reboot the system *(col. 9, lines 3-16)*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of wherein said means for performing management of said at least one compartment further enables management actions initiated via said means for performing management to be performed dynamically, without requiring that the system be re-booted in order for said management actions to be effective within said system to the existing system of Murray in order to increase the convenience and practicality *(col. 9, lines 3-16)*.

30. As to claim 14, it is rejected for the same reasons as stated in the rejection of claim 11.

31. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. (hereinafter Murray) (US 6,330,653 B1).

32. As to claim 15, Murray is silent in teaching wherein said performing management of said at least one compartment comprises switching from a first compartment to a second compartment. However, it is well known that within a multi-partitioned system that partitions can be switched from one to another. It would have been obvious to one of ordinary skill in the art at the time the invention was made to switch partitions in a multi-partitioned system so that all partitions can be utilized and not just one.

33. As to claim 18, Murray teaches having a global Rules class with respects to the partitions and adds new rules through creating a limits object 412. However, Murray is silent in removing (with authority) an existing rule from the list. However, one of ordinary skill in the art would know to remove an existing rule after it is no longer needed in order to be more efficient.

34. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. (hereinafter Murray) (US 6,330,653 B1) in view of Rafizadeh (US 6,401,183 B1), and further in view of Fletcher et al. (hereinafter Fletcher) (US 6,009,274).

35. As to claim 29, Murray and Rafizadeh is silent wherein said means for performing management of said at least one compartment further enables management actions initiated via

said means for performing management to be performed dynamically, without requiring that the system be re-booted in order for said management actions to be effective within said system. However, Fletcher teaches an agent that manages components (compartments) dynamically, without having to actually reboot the system *(col. 9, lines 3-16)*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of wherein said means for performing management of said at least one compartment further enables management actions initiated via said means for performing management to be performed dynamically, without requiring that the system be re-booted in order for said management actions to be effective within said system to the existing system of Murray in order to increase the convenience and practicality *(col. 9, lines 3-16)*.

Response to Arguments

36. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt
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